

**BEFORE THE OKLAHOMA FUNERAL BOARD  
STATE OF OKLAHOMA**

**IN THE MATTER OF THE COMPLAINT  
AGAINST:**

**ROLFE FUNERAL HOME, INC.**

A Licensed Funeral Establishment,  
Establishment License # 1207ES  
2936 NE 36<sup>th</sup> Street  
Oklahoma City, OK 73111

**owned by:**

**ROLFE FUNERAL HOME, INC.**

2936 NE 36<sup>th</sup> Street  
Oklahoma City, OK 73111

**JIMMIE D. BOLDIEN, JR.**

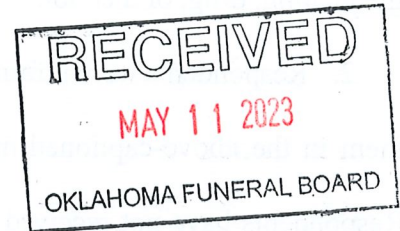
Licenses: 2083FD and 2229EM,

Address: 2936 NE 36<sup>th</sup> Street  
Oklahoma City, OK 73111

A Licensed Funeral Director and Embalmer  
and the Funeral Director in Charge at

**ROLFE FUNERAL HOME, INC.,**

**Respondents.**



**Complaint No. 22-46**

**CONSENT ORDER**

The State of Oklahoma, *ex rel.*, Oklahoma Funeral Board (“Board”), and Respondents, ROLFE FUNERAL HOME, ROLFE FUNERAL HOME, INC., and JIMMIE BOLDIEN, JR., hereby enter into this Consent Order (“Agreement”) pursuant to the Board’s rules, Oklahoma Administrative Code (“O.A.C.”) Section 235:10-1-1 *et seq.* (the “Rules”); the State Funeral Services Licensing Act, 59 O.S. § 395.1 *et seq.* (the “Act”); and the Oklahoma Administrative Procedures Act, 75 O.S. § 250 *et seq.* (the “OAPA”). As a prerequisite to entering into this Agreement, Respondents acknowledge and affirm the following:

## **ACKNOWLEDGEMENT AND AFFIRMATION**

1. Respondents are of sound mind and are not under the influence of, nor impaired by, any medication, drug, or alcohol.
2. Respondents were informed of their right to independently retain legal counsel to represent them in the above-captioned matter. Respondents had the opportunity to obtain such counsel. Respondents have not received or relied on legal advice from the Board, a representative of the Board, or legal counsel from the Oklahoma Attorney General's Office.
3. Respondents recognize their right to appear in an evidentiary hearing before the Board regarding the allegations made against them. Respondents voluntarily waive their right to a hearing and hereby submit to the Board's jurisdiction and authority under 59 O.S. §§ 396.2a(9) and (11).
4. Respondents have read and understand the terms and conditions of this Agreement.
5. Respondents acknowledge that this Consent Order is a matter of public record and is subject to disclosure under the Oklahoma Open Records Act, 51 O.S. § 24A.1 *et seq.*
6. Respondents admit, stipulate, and agree to the following:

## **AGREEMENT AND STIPULATIONS**

### **I. Findings of Fact**

7. Respondent ROLFE FUNERAL HOME ("Funeral Home") is licensed by the Board, establishment license number 1207ES, and is located at 2936 NE 36<sup>th</sup> Street, Oklahoma City, OK 73111.
8. Respondent JIMMIE D. BOLDIEN, JR. ("Funeral Director in Charge" or "FDIC") is licensed by the Board as a funeral director and embalmer, license numbers 2083FD and 2229EM, and at all relevant times was the Funeral Director in Charge at Funeral Home.

9. Respondent ROLFE FUNERAL HOME, INC. (“Owner”) is, and at all relevant times was, the owner of record for Funeral Home. Upon information and belief, Respondent JIMMIE D. BOLDIEN, JR. is the owner and registered agent for Respondent ROLFE FUNERAL HOME, INC.

10. On or about May 20, 2022, Board staff received a complaint from Ms. Versena Morgan regarding her father. Ms. Morgan alleged that the Rolfe Funeral Home was charging her for an embalming service she did not authorize.

11. On May 20, 2022, Board staff filed a complaint with the Board, alleging that Respondents had violated 59 O.S. § 396.12c(A)(11) by failing to release custody of the decedent. The Board provided Respondents with the Notice of Complaint via certified mail, and it was delivered on May 25, 2022.

12. Further, Respondent violated O.A.C. 235:10-7-2(13) by charging Ms. Moser for an embalming that she did not authorize and was billed to her at \$100 more than what their GPL advertises. The GPL was supplied to Board staff by Respondents.

13. On June 6, 2022, Respondents filed their response to Complaint 22-46 with the Board. Respondents state that Ms. Moser was properly billed for services she requested.

14. By public vote during the meeting on September 8, 2022, the Board found probable cause to file a formal complaint against Respondents for the violations stipulated to herein.

15. A formal Complaint and Notice of Hearing was issued together with a Subpoena to Produce Documents and served on Respondents. Instead of responding to the Complaint and the Subpoena, Respondents have entered into this Consent Order.

## **II. Conclusions of Law**

16. Respondents violated 59 O.S. § 396.12c(A)(11) by failing to release custody of the decedent's body to a legally entitled party.

17. Respondents violated O.A.C. 235:10-7-2(13) by charging Ms. Moser for a service she did not request or authorize, and by charging her \$100 more than advertised in their GPL.

18. FDIC is "responsible for the legal and ethical operation of the [Funeral Home] and is accountable to the Board." 59 O.S. § 396.2(12). Therefore, Respondent JIMMIE D. BOLDIEN, JR., as the Funeral Director in Charge of the Funeral Home is also liable for the above violations.

19. Due to the above violations, Respondents are subject to disciplinary action by the Board. *See* 59 O.S. §§ 396.2a(9) and (11); *id.* at §§ 396.12c(A)(5) and (8); *id.* at § 396.12d; *id.* at § 396.12e.

## **III. Authorized Penalties**

20. The Board is authorized to impose any of the following penalties for violations of the Act or Rules: (1) denial, revocation, suspension, or nonrenewal of license or certificate of apprenticeship; (2) administrative fines up to ten thousand dollars (\$10,000.00) per series of related violations; (3) injunctive proceedings; and (4) other disciplinary action. 59 O.S. §§ 396.12c(5) and (8); *id.* at § 396.12c; *id.* at § 396.12d; *id.* at § 396.12e.

21. Further, the Board is authorized to "impose . . . as a condition of any adverse disciplinary action, the payment of costs expended by the Board in investigating and prosecuting the violation." 59 O.S. § 396.12e(B). Costs may include, but are not limited to, "staff time, salary and travel expenses, [and] witness fees and attorney fees." *Id.*

## **IV. Prior Disciplinary History**

22. Respondents have prior disciplinary history with the Board. Specifically, Respondents

entered into a Consent Order with the Board in 2015 for failing to notify the Board of an FDIC change.

### **ORDER**

**IT IS THEREFORE ORDERED** by the Oklahoma Funeral Board as follows:

23. The Board *en banc* hereby adopts the parties' Agreement.

24. Pursuant to this Consent Order, Respondents **ROLFE FUNERAL HOME, ROLFE FUNERAL HOME, INC., and JIMMIE D. BOLDIEN, JR.** agree to the following terms and conditions, which are hereby imposed by the Board:

- a. Respondents agree to jointly pay the Oklahoma Funeral Board an **administrative penalty in the amount of two thousand dollars (\$2,000.00)** on or before **May 11, 2023**.
- b. Restitution in the amount of \$1235. In the event that the complainant has not paid the balance to the Funeral Home, the consumer's account shall be given a \$0 balance. If the complainant has made payment, that amount shall be refunded.
- c. 6 additional hours of continuing education, to be completed by December 31, 2023.

25. As authorized by law, Respondents shall jointly pay a total of **seven hundred and fifty dollars (\$750.00)** towards the costs of this action, including prosecution and investigation costs pursuant to 59 O.S. § 396.12e(B). Said sum shall be paid in full **on or before May 11, 2023**.

26. Should Respondents violate this Consent Order, the Board shall hold a hearing regarding the alleged violation. The violation of any term(s) of this Consent Order may result in further disciplinary action, including, but not limited to, revocation of Respondents' licenses or certifications. Therefore, the Board retains jurisdiction over this proceeding until all matters are finally resolved as set forth in this Consent Order.

27. Respondents understand and agree that this Consent Order only resolves Respondents' violations arising out of the facts alleged in **Complaint 22-46**. The Board retains the right to prosecute any separate, independent, or future violations. Further, Respondents understand and agree that the Board may consider this Consent Order when determining the penalty for any future disciplinary action.

On **May 11, 2023**, all participating members of the Board voted "Aye" in open session, approving the forgoing Consent Order.

  
\_\_\_\_\_  
Presiding Board Member  
Oklahoma Funeral Board

## CONSENT AND APPROVAL BY RESPONDENT

State of Oklahoma                    )  
  ) ss  
County of Oklahoma                )

I, **JIMMIE D. BOLDIEN, JR.**, individually and as a representative of **ROLFE FUNERAL HOME and ROLFE FUNERAL HOME, INC.** being first duly sworn upon oath, state that I have read the above Consent Order regarding **Complaint No. 22-46**. I understand that by its terms I waive certain rights accorded me under Oklahoma Law. I have either been represented by my attorney in this matter and have had the advice of my attorney and am satisfied with that advice, or I have knowingly waived my right to be represented by an attorney. I knowingly and voluntarily agree to the above Consent Order and request that it be entered by the Board.

I understand that the Consent Order will not be submitted for Board consideration until it has been agreed to and executed by me. The Consent Order will not become effective until it has been approved by a majority of the Board and endorsed by a representative member of the Board.

This Consent Order shall be presented to the Board with a recommendation by Board staff for approval by the Board at the **May 11, 2023** meeting of the Board. I understand that the Board is free to accept or reject this Consent Order and, if rejected by the Board, a formal disciplinary hearing on the complaint against me will be set for hearing.

If the Consent Order is not accepted by the Board, it shall be regarded as null and void. Admissions by me in the Consent Order will not be regarded as evidence against me at the subsequent disciplinary hearing. I will be free to defend myself and no inferences will be made from my willingness to have entered into this agreement. It is agreed that neither the presentation of the Consent Order nor the Board's consideration of the Consent Order will be deemed to have unfairly or illegally prejudiced the Board or its individual members, and therefore I hereby agree to waive any rights I might have to challenge the impartiality of the Board to hear the disciplinary complaint, if after review by the Board, this Consent Order is rejected.

I am fully aware of my rights to contest the charges pending against me. These rights include: representation by an attorney at my own expense; the right to a public hearing on any charges or allegations filed; the right to confront and cross-examine witnesses called to testify against me; the right to present evidence on my own behalf; the right to compulsory process to secure attendance of such witnesses; the right to testify on my own behalf; the right to receive written findings of fact and conclusions of law supporting the decision on the merits of the complaint and the right to obtain judicial review of the Board's decision. In exchange for the Board's acceptance of this Consent Order, I voluntarily waive all of these rights, with the exception of the right to an attorney, which I understand that I may exercise at any time should I choose to do so.

This Consent Order is contingent upon my fulfillment of the agreed order, and upon my payment of the administrative penalties and legal expenses in the amounts and on the dates scheduled above, or the agreement may at the option of the Board be declared null and void.

Dated this 3 day of May, 2023.

Jimmie D. Boldien, Jr.  
JIMMIE D. BOLDIEN, JR., individually and as a representative of  
ROLFE FUNERAL HOME and  
ROLFE FUNERAL HOME, INC.

### Respondents

Subscribed and sworn to by JIMMIE D. BOLDIEN, JR., individually and as a representative of ROLFE FUNERAL HOME and ROLFE FUNERAL HOME, INC. before me on this 3<sup>rd</sup> day of May, 2022.

Stephine Greer  
Notary Public

My Commission Expires: 23002456

My License No.: 02-20-27

